



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JUL 24 2003

Paper No. 8

In re Application of :
M. Weldon Rogers, III *et al* : DECISION ON PETITION
Application No. 09/883,653 :
Filed: June 18, 2001 :
Attorney Docket No. 18678-00009 :

The papers filed by facsimile transmission on May 28, 2003 are being treated as a petition by which petitioners request withdrawal of the holding that this application stands abandoned for failure to timely file a proper reply to the Office letter mailed on October 1, 2002. The petition is considered under 37 CFR 1.181 and no fee is required.

The petition is granted.

Petitioners are advised to take note that the amendment, the petition, and the post card receipt all have an incorrect application number thereon. The evidence submitted with the petition has been accepted as being directed to the instant application based upon counsel's docket number, and the inventors' name. Properly headed correspondence, being more easily associated with the proper application file, is less likely to result in the abandonment.

Petitioners allege that a timely reply to the Office letter in question was in fact filed on October 15, 2002. Petitioners support this allegation by including a copy of the reply, and a copy of a filing receipt for the reply which shows that the reply was received in the Office on October 15, 2002. In view of this evidence, it is clear that the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on October 15, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102